

Montwillo v. Tull, et al., Case No.: C-07-3941-SI

Section 3.e. Proposed Jury Voire Dire Questions
Proposed by Plaintiff Paul Montwillo

1. What is your occupation?
2. Who is your employer?
3. What is your educational background?
4. What is your marital status?
5. What is your annual income?
6. What are your hobbies/spare time activities?
7. What organizations are you a member?
8. Have you ever been party to a lawsuit?

If yes, please state the following:

- a. What was the nature of the lawsuit?
 - b. Were you the plaintiff or defendant?
 - c. What was the end-result of the lawsuit?
9. Do you know William Tull?
 10. Do you know Daniel Gibby?
 11. Do you know David Wong?
 12. Do you know Marc Greenberg?
 13. Do you know Paul Montwillo?
 14. Do you believe that providing monetary compensation for non-economic damages is justified?

15. Do you believe that victims should be compensated to the full extent the law will allow?
16. Through monetary compensation the law seeks to make the victim "whole." That is, the law seeks to compensate the victim for his/her suffering. This may be economic loss, loss of physical abilities, and/or other kinds of losses. Would you have any reservations in awarding monetary damages for these types of losses in rendering your verdict?
17. Have you heard, seen, or read anything about what has been called the "lawsuit crisis" (or money awards by juries)? What do you think about this?
18. How do you feel about lawsuits in general?
19. Do you feel that jury awards are becoming too high?
20. Do you feel that there are too many lawsuits?
21. Do you feel that people today are too eager to file lawsuits?
22. Do you feel that people nowadays are too quick to sue others?
23. Do you feel that most people who sue others have legitimate grievances?
24. Do you feel that the laws should be changed to make it harder to sue corporations?
25. Do you support legislative efforts to place a cap on the amount of money juries can award?
26. Do you believe that 51% is too low of a standard for plaintiffs to show?
27. Do you believe that 51% is too low a standard in cases involving a potential verdict in the millions of dollars?

28. When it comes to awarding money in a lawsuit, which do you think is worse: to award too little money to an injured party OR to award too much money to an injured party?
29. When it comes to including money in your verdict, which do you think is worse: to include too little money for an injured party OR to include too much money for the injured party?
30. In your role as a juror, should you find that the defendant is liable (infringed plaintiff's copyrights) would you award the full amount of damages allowed by law? Would you have any reservations in doing so?
31. If you were a juror, would you have any negative feelings about returning a multi-million dollar verdict if the evidence warrants such a verdict?
32. What problems would you have in returning a multi-million dollar verdict?
33. According to law, a plaintiff suing for infringement of copyrights can be awarded up to \$150,000 per willful infringement of copyrights. Factors the law permits juries to consider are: (a) the expenses saved and the profits reaped by the infringers; (b) revenues lost by the plaintiff; (c) the value of the copyright; (d) the deterrent effect on others besides the defendant; (e) whether the defendant's conduct was innocent or willful; (f) whether a defendant has cooperated in providing particular records from which to assess the value of the infringing material produced; and (g) the potential for discouraging the defendant from future infringement. Would you give careful consideration to each of these factors and assign a dollar figure for each of these factors if the evidence

supported such a finding? Would you have any reservations/any hesitation in doing so?

34. Would you have any reservations in awarding substantial monetary damages?

35. Some people would have a problem awarding millions of dollars in a civil lawsuit simply because it seems like a large sum of money. Do you feel this way?

36. How do you feel about awards that are designed to punish corporations for wrongdoing?

37. Would you be willing to return a verdict for substantial punitive damages if the evidence and law supported a finding of punitive damages?

38. Do you believe that verbal contracts are any less valid than written contracts?

39. Would you have any reservations in holding the parties to their verbal commitments?

40. Do you believe that if a company has any questions about the terms or tasks involved in a contract it should ask about these items before signing the contract?

41. Would it make any difference to you that it would cost one party money to live up to the contract terms?

42. Do you feel that it is not fair to sue a business for infringement of a copyright when it did not know the copyright existed?

43. Do you feel that if a business does not know about a copyright and develops a similar product on its own, it should not have to pay any royalties to the copyright holder?

44. During the course of trial, there will be times when the attorneys will raise objections over procedural matters and the court will determine whether these

objections are valid. This is part of the attorneys' job. Would you have any concerns about these objections? Would you feel that what would have been said is deserving of your attention?

45. Do you have any religious, moral, or ethical beliefs that someone should not sue another person?

46. Do you believe that if the law as the judge gives it to you at the end of this case goes against your personal views of what the decision should be, you would tend to base your verdict on your personal views of the case?

47. As you sit right now, do the plaintiff and the defendant start out even, or do you feel one starts out a little ahead of the other?

48. As you sit right now, do the plaintiff and the defendant start out even, or do you feel one starts out a little ahead of the other?